

Goldstein et al.
Application Serial No. 10/066,040
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REMARKS

1. Status of the Claims

Claims 1-6, 9-16, 19-32 and 39 are pending in the above-identified patent application. Claims 2 and 9 are amended herein. Claims 12-15 are canceled by this Amendment. No new matter is introduced.

2. Allowable Subject Matter

The Applicants note with appreciation that claims 1, 16, 2, 23, 25, 26, 28-30, 32 and 39 are deemed allowable by the Examiner.

3. Rejections Under 35 USC § 112, Second Paragraph

The Examiner rejected claims 2-6 and 9-15 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner indicated that definition (b) for variable R³ (optionally substituted aryl or heteroaryl) of claim 2 lacks antecedent basis. [The Examiner further noted that claim 9 depends from canceled claim 8, that claims 12-15 lack antecedent basis with respect to "optionally substituted aryl", and that claim 13 is in non-conformance with MPEP §608.1(m) because the claim does not end with a period.]

Applicants have amended claim 2 to delete element (b) reciting optionally substituted aryl or heteroaryl. [Claim 9 has been amended to change its dependency to allowed claim 6.] Claims 12-15 have been canceled. Amended claims 2 and 9, together with their respective dependent claims 3-6 and 10-11 are now believed to meet the criteria of 35 USC §112 second paragraph.

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